

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

<b>In re:</b>	)	
	)	
<b>J.A. JONES, INC., et al.,</b>	)	<b>Bankruptcy Court Case No. 03-33532</b>
	)	<b>Chapter 11</b>
<b>Debtors.</b>	)	<b>Jointly Administered</b>
<hr style="border: 0.5px solid black;"/>		
	)	
<b>ZURICH AMERICAN INSURANCE COMPANY,</b>	)	<b>District Court Case No.</b>
	)	<b>3:04cv00004</b>
<b>Appellant,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>J.A. JONES, INC., et al.,</b>	)	
	)	
<b>Appellees.</b>	)	
<hr style="border: 0.5px solid black;"/>		

**ORDER ON AMENDED MOTION TO VACATE AND REMAND**


AND NOW, this 32 day of August, 2004, upon consideration of the Amended Motion by Appellant to Vacate and Remand ("Motion"), the Court makes the following findings of fact:

1. The capitalized terms used in this Order shall have the same meaning as set forth in the Motion;
2. The Motion is in furtherance of the Settlement between Appellant and the Debtor in connection with the Debtor's Chapter 11 Plan of Liquidation.
3. The relief requested in the Motion is in the best interest of the Debtor, the Debtor's Estate, and its creditors; and
4. All parties have received adequate notice of this Motion, and have been provided due opportunity to object and be heard.

**DOCUMENT  
SCANNED**

THEREFORE, based upon the above findings of fact, it is hereby ordered as follows:

1. The Motion is granted, and the District Court Order is vacated;
2. This matter is remanded to the Bankruptcy Court for further action consistent with the Order entered on August 19, 2004, by the United States Bankruptcy Court for the Western District of North Carolina confirming the Debtor's Chapter 11 Plan of Liquidation; and
3. Nothing in this Order shall be construed to authorize Appellant to assert any claims except those allowed by the Debtor's Chapter 11 Plan of Liquidation or to grant Appellant any rights or defenses with respect to any claims that may exist against Appellant.

  
GRAHAM C. MULLEN  
CHIEF UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2004, I caused to be served, true and correct copies of the foregoing **AMENDED MOTION TO VACATE AND REMAND** upon the following parties by United States mail, postage prepaid:

John P. Whittington, Esq.  
J. Patrick Darby, Esq.  
Jay R. Bender, Esq.  
Edward Peterson, Esq.  
Bradley Arant Rose & White, LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203  
Phone: 205-251-8000

Gregg M. Galardi, Esq.  
Robert A. Weber, Esq.  
Skadden, Arps, Slate,  
Meagher & Flom, LLP  
One Rodney Square  
Wilmington, DE 19899  
Phone: 302-651-3000

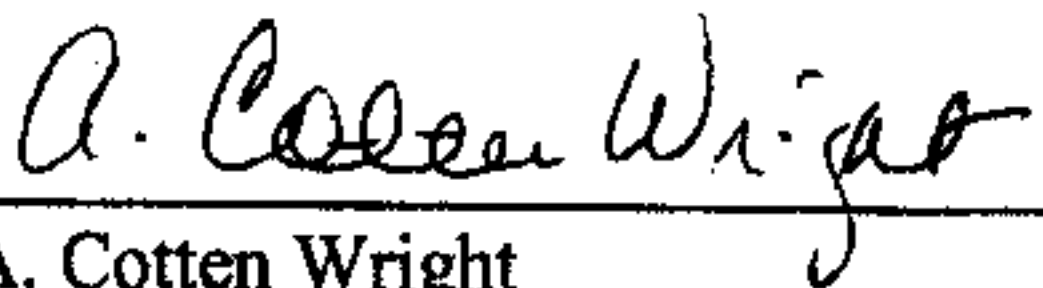
Lewis S. Rosenbloom, Esq.  
James B. Shein, Esq.  
McDermott, Will & Emery  
227 West Monroe Street  
Chicago, IL 60606  
Phone: 312-372-2000

John Bramlett, Esq.  
U.S. Bankruptcy Administrator  
402 West Trade Street, Room 110  
Charlotte, NC 28202  
Phone: 704-344-6894

W. B. Hawfield, Jr., Esq.  
Lou M. Agosto, Esq.  
Moore & Van Allen, PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202  
Phone: 704-331-1000

Deborah L. Fletcher, Esq.  
Holcomb & Fletcher, PLLC  
831 East Morehead Street, Suite 550  
Charlotte, NC 28202  
Phone: 704-370-6501

Robert H. Pryor, Esq.  
Helms Mulliss & Wicker, PLLC  
201 North Tryon Street  
P.O. Box 31247  
Charlotte, NC 28202  
Phone: 704-343-2000

  
A. Cotten Wright  
Grier Furr & Crisp, PA  
101 North Tryon Street, Suite 1240  
Charlotte, NC 28246